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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,886	03/31/2004	Ligang Zhang	026-0047	5768
22120 7590 11/14/2007 ZAGORIN O'BRIEN GRAHAM LLP 7600B NORTH CAPITAL OF TEXAS HIGHWAY SUITE 350 AUSTIN, TX 78731			EXAMINER IM, JUNGHWA M	
			ART UNIT 2811	PAPER NUMBER
			MAIL DATE 11/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/813,886

Applicant(s)

ZHANG ET AL.

Examiner

Junghwa M. Im

Art Unit

2811

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 October 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-8, 10-19, 23-31, 33-42, 45-51 and 53-55.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☒ Other: See Continuation Sheet.


Junghwa Im
Patent Examiner
AU 2811

Continuation of 13. Other: The rejections are maintained.

1. Claim Rejections Under 35 U.S.C. § 112

Note that Applicant cancelled claims 1 and 24 to overcome the rejections under 35 U.S.C. § 112. Previously, claims 1 and 24 were rejected under 35 U.S.C. § 112 since the claims appeared to recite the two distinct embodiments of Fig. 9B and 11A.

Regarding claim 47, claim rejection under 35 U.S.C. § 112 is maintained. Claim 47 appears to recite Fig. 11A, however, it depends on claim 46 that depicts Fig. 9B. In other word, claim 47 recites the limitations substantially identical to the ones in claim 1 merely rearranged.

Regarding claim 54, claim rejection under 35 U.S.C. § 112 is maintained since the issue is substantially identical to the one in claim 47. In detail, claim 54 appears to recite Fig. 11, however, it depends on claim 55 that depicts Fig. 9B. Claim 51 appears to recite Fig. 11, however, it depends on claim 23 that depicts Fig. 9B.

Note that the aspects regarding this matter were discussed in the precious office action in detail in claim 1 and 24.

In addition, the applicants argue repeatedly that "Furthermore, Applicants note that the claimed embodiment is fully described in the specification. Applicants respectfully point the Examiner to at least Figures 9A, 9B, and 11 A, and associated portions of the specification." Note that this argument is not persuasive since the instant invention does not disclose that the two different embodiments of 9A (9B) and 11A can be combined to result in another distinctive embodiment recited in claims 47, 51 and 54.

2. Claim Rejections Under 35 U.S.C. § 102

Regarding claim 23, the applicants argue that "Applicants respectfully maintain that Andrews, alone or in combination with other references of record, fails to teach or suggest individual ones of the electrically conductive links are coupled to each other by an electrically conductive link perpendicular to the individual ones of the electrically conductive links, as required by claim 23." This argument is not persuasive. Fig. 2 of Andrews shows an annular ring 158, indicating that it has an aperture. Andrew shows the annular ring also has electrically conductive links across the aperture through the center portion 160. And note that, for example, a conductive link formed on the x-axis and a conductive link formed on the y-axis are coupled to each other by being perpendicular to each other. Therefore, Andrew explicitly shows that "individual ones of the electrically conductive links are coupled to each other by an electrically conductive link perpendicular to the individual ones of the electrically conductive links."